



USCG-1998-3884-3

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
P. O. Box 94245
Baton Rouge, Louisiana 70804-9245



M. J. 'MIKE' FOSTER, JR.
GOVERNOR

OCT 14 1997

FRANK M. DENTON
SECRETARY

October 10, 1997

Executive Secretary
Marine Safety Counsel (G-LRA)
(CGD 97-050)
U.S. Coast Guard
2100 2nd Street, S.W.
Room 3406
Washington, D.C. 20593-001

Re: Deepwater Ports: Advanced Notice of
Proposed Rulemaking and Request for
Comments (CGD 97-050)

Dear Sir/Madam:

The Louisiana Offshore Terminal Authority submits the following comments in response to the above-referenced ANPRM. LOOP, the only deepwater port licensed under the Deepwater Port Act, is located off the coast of Louisiana, and LOTA is the agency within the government of the State of Louisiana responsible for regulation and oversight of LOOP. Thus, LOTA is both familiar with and vitally interested in the federal regulation of deepwater ports.

We support the initiative of the Coast Guard to amend the federal deepwater port regulations as required by the Deepwater Port Modernization Act. We were surprised, however, to note the questions posed in the ANPHM asking whether those regulations should include provisions relating to environmental monitoring plan revision. The existing regulations clearly reflect the understanding that each deepwater port's environmental monitoring plan will be included as a part of its operations manual. The legislative history of the Deepwater Port Modernization Act makes it clear that, as recently as last year, Congress determined that environmental monitoring plans, a feature of the deepwater port regulation that is necessarily specific to each port, should be included in a port's license or operations manual, not in federal regulations. Thus, the House Transportation Committee Report on the Modernization Act cites environmental monitoring specifically as one of the subjects in a licensee's operations manual.

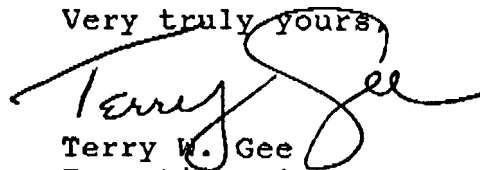
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In the case of LOOP, such a provision already exists in its operations manual, whereby the environmental monitoring program is constantly reviewed by the U.S. Coast Guard and **local** offices and agencies with particular expertise relating to the port and its unique circumstances. This mechanism has functioned well, with **the** State and Federal interests being given appropriate consideration. Given the clear Congressional direction in this area, it would be inappropriate to include in amendments to the federal deepwater port regulations substantive provisions relating to environmental monitoring plans where such regulations have not previously done so.

If we may provide any further information concerning this matter, please do not hesitate to telephone me at 504-379-1235.

Very truly yours,



Terry W. Gee
Executive Director
LOTA

TWG/etl